

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re
FTX Trading Ltd., et al.,
*Debtors.*¹

Chapter 11
Case No. 22-11068-JTD
(Jointly Administered)
Re: 1324
Objection Deadline:
September 27, 2023 at 4:00 p.m. (ET)
Hearing Date:
October 19, 2023 at 1:00 p.m. (ET)

**MEDIA INTERVENORS' OBJECTIONS TO THE SECOND JOINT MOTION
OF THE DEBTORS AND THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR AN ORDER AUTHORIZING THE MOVANTS TO REDACT OR
WITHHOLD CERTAIN CONFIDENTIAL INFORMATION OF CUSTOMERS**

Media Intervenors Bloomberg L.P., Dow Jones & Company, Inc., The New York Times Company, and The Financial Times Ltd (together “Media Intervenors”), hereby object to the joint motion of the Debtors and the Official Committee of Unsecured Creditors (the “Official Committee”) (together “Movants”) for an order authorizing them to continue to redact the names, addresses, and e-mail address of all of Debtors’ customers—including, specifically, entities and institutional creditors who were also Debtors’ customers—from any filings with the Court or made publicly available in these Chapter 11 cases for an additional 90 days. D.I. 2508.²

¹ FTX Trading Ltd.’s and Alameda Research LLC’s tax identification numbers are 3288 and 4063, respectively. Due to the large number of debtor entities in these Chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

² Media Intervenors dispute that Movants were not required to give them notice of this motion. Movants’ failure to notify Media Intervenors, and contention that “in light of the nature of the relief requested, no other or further notice need be provided[.]” D.I. 2508 ¶ 26, is both puzzling and problematic given that that Media Intervenors have consistently objected to the relief sought

BACKGROUND

1. The background relevant to these objections is more fully set forth in Media Intervenors' prior filings in this matter, *see* D.I. 196, D.I. 1226; D.I. 1406, which are incorporated by reference herein. In brief:

2. Media Intervenors sought to intervene in these Chapter 11 cases for the limited purpose of opposing the redaction of the names of Debtors' creditors in court filings. *See* D.I. 196. On December 19, 2022, the Court granted Media Intervenors' motion to intervene. D.I. 255.

3. On June 15, 2023—over the objections of Media Intervenors, D.I. 1406, and the U.S. Trustee—this Court entered an order granting in part and denying in part Movants' joint motion, D.I. 1324, for an 'Order Authorizing the Movants to Redact or Withhold Certain Confidential Information of Customers and Personal Information of Individuals.' D.I. 1643. The June 15 Order authorized Movants: (1) pursuant to § 107(b)(1), to continue to "redact the names, addresses and e-mail addresses of all of the Debtors' customers from all filings with the Court or made publicly available in these Chapter 11 Cases" in "which disclosure would indicate the status of such person or entity as a customer" for an additional 90 days, and allowing any party to seek further extension of that time period; and (2) pursuant to § 107(c)(1), "to permanently redact the names of all customers who are natural persons from all filings with the Court or made publicly available in these Chapter 11 Cases in which disclosure would indicate such person's status as a customer." D.I. 1643 ¶¶ 2, 4.

4. On June 22, 2023, Media Intervenors timely appealed the June 15 Order. D.I. 1688. That appeal is pending in the United States District Court for the District of Delaware. *See*

(as Movants note, D.I. 2508 ¶14), and have a pending appeal addressing the redaction/withholding of customer-creditor names.

Bloomberg L.P., et al. v. FTX Trading Ltd., et al., Civil Action No. 23-682-CFC (D. Del.).

ARGUMENT

5. For the reasons set forth in their prior filings, which are expressly incorporated by reference herein, Media Intervenors object to Movants' request that they be permitted to continue to redact the names of Debtors' creditors who were also customers of Debtors' exchanges from all filings in these Chapter 11 cases for an additional 90 days. *See* D.I. 196, D.I. 1226; D.I. 1406.

6. Moreover, Movants offer no new evidence, whatsoever, in support of their motion. Media Intervenors respectfully submit that simply stating discussions with third parties are "ongoing," D.I. 2508 ¶1, is not a sufficient basis for an extension of the redaction deadline.

For the foregoing reasons, Media Intervenors respectfully request that the Court deny Movants' motion.

Respectfully submitted,

Dated: September 26, 2023

/s/ David L. Finger

David L. Finger (ID #2556)
FINGER & SLANINA, LLC
One Commerce Center
1201 N. Orange St., 7th fl.
Wilmington, DE 19801
302.573.2525

Katie Townsend (pro hac vice)
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th Street NW, Suite 1020
Washington, DC 20005
202.795.9300
ktownsend@rcfp.org

Counsel for Media Intervenors

CERTIFICATE OF SERVICE

I, David L. Finger, hereby certify that on this 26th day of September, 2023, in accordance with Del. Bankr. Local Rule 9036-1(b), I caused the foregoing Media Intervenors' Objections To The Second Joint Motion Of The Debtors And The Official Committee Of Unsecured Creditors For An Order Authorizing The Movants To Redact Or Withhold Certain Confidential Information Of Customers via CM/ECF upon the below-listed counsel and parties of record:

Alexa J. Kranzley, Esq.
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004
kranzleya@sullcrom.com

Adam G. Landis, Esq.
Kimberly A. Brown, Esq.
Landis Rath & Cobb LLP
919 Market Street, Suite 1800,
Wilmington, DE 19801
landis@lrclaw.com
brown@lrclaw.com

Juliet Sarkessian, Esq.
U.S. Trustee
844 King Street, Suite 2207
Wilmington, DE 19801
juliet.m.sarkessian@usdoj.gov

Derek C. Abbott, Esq.
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Suite 1600
Wilmington, DE 19801
dabbott@morrisnichols.com

Mary E. Augustine, Esq.
A M Saccullo Legal, LLC
27 Crimson King Drive
Bear, DE 19701
meg@saccullolegal.com

Gary D. Bressler, Esq.
McElroy, Deutsch, Mulvaney &
Carpenter, LLP
300 Delaware Ave.
Suite 1014
Wilmington, DE 19801
gbressler@mdmc-law.com

Nicholas A. Pasalides, Esq.
Reich Reich & Reich, P.C.
235 Main Street, Suite 450
White Plains, NY 10601
npasalides@reichpc.com

Morris, Nichols, Arsht & Tunnell, LLP
Derek C. Abbott, Esq.
1201 North Market Street, Suite 1600
Wilmington, DE 19801
Email: dabbott@morrisnichols.com

Sabrina L. Streusand, Esq.
Streusand, Landon, Ozburn &
Lemmon, LLP
1801 S. MoPac Expressway, Ste. 320
Austin, Texas 78746
streusand@slollp.com

Daniel A. O'Brien, Esq.
Venable LLP
1201 N. Market St., Suite 1400
Wilmington, DE 19801
Tel: (302) 298-3535
Fax: (302) 298-3550
daobrien@venable.com

Stanton C. McManus, Esq.
U.S. Department of Justice
Civil Division
1100 L Street, NW, Room 7208
Washington DC, 20005
stanton.c.mcmanus@usdoj.gov

Seth B. Shapiro, Esq.
U.S. Department of Justice
Civil Division
1100 L Street, NW, Room 7114
Washington DC, 20005
seth.shapiro@usdoj.gov

Roma N. Desai, Esq.
Layla D. Milligan, Esq.
Abigail R. Ryan, Esq.
Assistant Attorneys General
Office of the A.G. of Texas
Bankruptcy & Collections Division
P. O. Box 12548
Austin, Texas 78711-2548

Scott D. Cousins, Esq.
Cousins Law LLC
Brandywine Plaza West
1521 Concord Pike, Suite 301
Wilmington, DE 19801
scott.cousins@cousins-law.com
scott.jones@cousins-law.com

Kevin Gross, Esq.
Paul N. Heath, Esq.
David T. Queroli, Esq.
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
Email: gross@rlf.com
heath@rlf.com

Amy L. Patterson, Esq.
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334
apatterson@law.ga.gov

John P. Reding, Esq.
Office of the Illinois Attorney General
100 W. Randolph St., Suite 13-225
Chicago, Illinois 60601

Christopher M. Samis, Esq.
Aaron H. Stulman, Esq.
Sameen Rizvi, Esq.
Potter Anderson & Corroon LLP
1313 N. Market Street, 6th Floor
Wilmington, Delaware 19801
csamis@potteranderson.com
astulman@potteranderson.com
srizvi@potteranderson.com

Anthony M. Saccullo, Esq.
Mary E. Augustine, Esq.
A. M. Saccullo Legal, LLC
27 Crimson King Drive
Bear, Delaware 19701
(302) 836-8877
(302) 836-8787 (facsimile)
ams@sacculolegal.com
meg@sacculolegal.com

Matthew B. Harvey, Esq.
Paige N. Topper, Esq.
Morris, Nichols, Arsht & Tunnell
LLP
1201 North Market Street, 16th Floor
Wilmington, Delaware 19801
mharvey@morrisnichols.com
ptopper@morrisnichols.com

Stephen Manning, Esq.
Assistant Attorney General
Office of the Attorney General of
Washington
Government Compliance and
Enforcement Division
P. O. Box 40100
Olympia, WA 98504-4010

Ashby & Geddes, P.A.
Ricardo Palacio, Esq.
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
Email: RPalacio@ashbygeddes.com

/s/ David L. Finger
David L. Finger (ID #2556)
Finger & Slanina, LLC
One Commerce Center
1201 N. Orange St., 7th fl.
Wilmington, DE 19801
(302) 573-2525
Attorney for Bloomberg, L.P.,
Dow Jones & Company, The New
York Times Inc. and the Financial
Times, Ltd.